



## Illinois Historic Preservation Agency

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### Lincoln as a Lawyer

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Abraham Lincoln is remembered by many people in America for his accomplishments as president. However, his years as a lawyer are less well known. He worked as a lawyer for years before his nomination in 1860 to the presidency. He went through three law partners in this time and worked on many cases. He learned many legal and political principles during this career, which helped him in his later years.

Lincoln was not well educated as a child, but as a young man, he sought more education. He worked as a part-time legislator and considered a career in law. He studied law books borrowed from Springfield attorney John T. Stuart. He was licensed to practice law in 1836 and became a junior partner of Stuart in 1837. When that partnership ended in 1841, he joined Stephen T. Logan. After ending his partnership with Logan on amicable terms in 1845, Lincoln took William H. Herndon as his own junior partner. Lincoln and Herndon practiced together until Lincoln left for the White House. Their partnership continued to exist, at least in name, until Lincoln's death. Despite having studied law, Lincoln was apparently not an expert in certain points of law. Logan always wanted him to pay attention to the details of the law and court processes. His partners said he seemed to learn more through experience. Herndon stated that his partner "was a good lawyer but . . . 'strikingly deficient in the technical rules of law.'"

Most of Lincoln's work took place in county seats of Illinois, not in Springfield. He was able to win over some small town juries because he grew up in a rural area. He spoke slowly, used witty anecdotes that related to the situation, and presented his arguments in a straightforward way. He tended to use metaphors based on the rural life he knew. An example of his use of farm-related comparisons is in *Fleming vs. Rogers & Crothers*. In this medical malpractice case, Lincoln used chicken bones to demonstrate the effect age had on how bones heal. "This graphic demonstration had the desired effect on some of the jurors, the majority of whom probably entered the courtroom . . . prejudiced against the more affluent defendants," according to Charles Hubbard. His sense of humor also won Lincoln friends such as Judge David Davis. The judge respected his opinions and skills, as well as his ability to entertain him and the other lawyers who followed his circuit. "Davis had Lincoln act as judge several times in the 1850s." Younger attorneys also respected Lincoln because of his experience and reputation.

The majority of Lincoln's cases dealt with debt collection. He won more often as a plaintiff attorney in these cases because the legal system favored creditors. He also handled cases dealing with inheritance, patents, and railroads, and occasionally acted as state's attorney pro tem in criminal cases. However, he did not seek a state's attorney position. In fact, "Lincoln personally did not aspire to any judicial or legal offices," to quote from the Papers of Abraham Lincoln. He suspended his practice of law several times in order to pursue his political career. He combined the two careers in a few instances, including arguing a case during his term in Congress. When he won the 1860 presidential election, he stopped practicing law, but he asked Herndon to leave their

partnership sign as it was. He wanted clients to know that “the election of a President makes no change in the firm of Lincoln and Herndon,” according to the Papers of Abraham Lincoln. If he returned, he wanted to resume his law career.

Lincoln made many achievements as a president, but his legal career was also important. He stated his views even before being elected, such as his beliefs about slavery. “Slavery was wrong, he argued . . . ‘When the white man governs himself, that is self-government; but when he governs himself, and also governs another man, that is . . . despotism.’” He made his opinions heard, and although he was always widely respected, he gained enough respect to become President of the United States.

Everything he had learned throughout his law career helped him to gain that power.

[From “Abraham Lincoln.” *Lawyer Hall of Fame*.

<<http://www.fansoffieger.com/lincoln.htm>>. (Oct. 14, 2008); “Abraham Lincoln and the Law.” *Abraham Lincoln’s Classroom*.

<<http://www.abrahamlincolnsclassroom.org/Library/newsletter.asp?ID=135&CRLI-191>>. (Oct. 14, 2008); The Papers of Abraham Lincoln. “The Law Practice of Abraham Lincoln: A Narrative Overview.” *The Law Practice of Abraham Lincoln*. 2006, 2008.

<<http://www.lawpracticeofabrahamlincoln.org/Reference.aspx?ref=NarrativeOverview.html>>. (Oct. 14, 2008); and Steve Sheinkin, *Two Miserable Presidents: Everything Your Schoolbooks Didn’t Tell You About the Civil War*.]